

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE MOSAIC & TERRAZZO  
WELFARE FUND, MOSAIC & TERRAZZO  
PENSION FUND, MOSAIC & TERRAZZO  
ANNUITY FUND,

Plaintiffs,

against

ORDER ADOPTING  
REPORT AND RECOMMENDATION  
06-CV-640 (JS) (WDW)

SUPERIOR STONE & TERRAZZO CORP.,

Defendant.

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APPEARANCES:

For Plaintiffs: Michael J. Vollbrecht, Esq.  
Gorlick, Kravitz & Listhaus, P.C.  
17 State Street, 4<sup>th</sup> Floor  
New York, New York 10004

For Defendant: No appearance

SEYBERT, District Judge:

On February 14, 2006, Plaintiffs filed suit against Defendant for violating certain collective bargaining agreements between the parties. On July 18, 2006, Plaintiffs moved for default, and on July 24, 2006, the Clerk of the Court certified that the Defendant failed to answer or otherwise move in this action.

Pursuant to Rules 55 and 73 of the Federal Rules of Civil Procedure and Rule 72.2 of the Local Civil Rules for the Eastern District of New York, this Court referred this matter to Magistrate Judge William D. Wall to report and recommend on whether Plaintiffs were entitled to the relief they requested in their motion for a

default judgment. On October 31, 2006, Magistrate Judge Wall filed his Report and Recommendation. In that Report, the Magistrate recommended that a default judgment be entered against Defendant and that Plaintiffs be awarded \$66,048 in unpaid fringe benefit contributions, \$4,440.69 in interest, \$4,440.69 in statutory damages, \$290 in costs, and \$2,038.50 in attorneys' fees for a total of \$77,257.88.

On December 7, 2006, Plaintiffs filed the certificate of service as evidence that Plaintiffs served Defendant with a copy of the Magistrate's Report and Recommendation on December 7, 2006. Defendant has not objected to the Report and Recommendation. Upon review of the Report and Recommendation, to which no party has objected, the Court ADOPTS the Report and Recommendation in its entirety. As no party has objected to the Report and Recommendation, all objections are deemed waived. See 28 U.S.C. § 636(b)(1); FED R. Civ. P. 72; Beverly v. Walker, 118 F.3d 900, 902 (2d Cir. 1997); Savoie v. Merchants Bank, 84 F.3d 52, 60 (2d Cir. 1996).

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
January 16, 2007